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Attorneys for Defendant  
INFINITE ENERGY HOME SERVICES, INC.

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

INFINITY ENERGY, INC., a California Corporation, ) CASE NO.: 2:21-CV-00438-WBS-KJN

Plaintiff,

) ASSIGNED TO:

) THE HON. WILLIAM B. SHUBB

vs.

) **JOINT REQUEST TO MODIFY SCHEDULING  
ORDER AND ORDER**

INFINITE ENERGY HOME SERVICES, INC., a  
California Corporation.

Defendant.

) SUIT FILED: MARCH 11, 2021

Pursuant to Federal Rules of Civil Procedure, Rule 16(b)(4), Plaintiff Infinity Energy, Inc. ("Plaintiff") and Defendant Infinite Energy Home Services, Inc. ("Defendant") (collectively, the "Parties") jointly request the court modify the Pretrial Scheduling Order, issued on May 23, 2022.

The court has the authority to modify the pretrial Scheduling Order for good cause. (FRCP Rule 16(b)(4))

The Parties herein have diligently pursued their discovery obligations as well as settlement discussions, however, given the complexity of issues raised in the litigation, the



1 discovery necessary to prepare for trial, and various scheduling issues, the Parties herein require  
2 additional time to complete a small number of outstanding discovery items. The Parties require  
3 an extension of the discovery cut-off date to complete certain depositions which have either yet  
4 to be completed due to scheduling obstacles or are of witnesses who have only recently been  
5 identified during PMQ depositions. Given the complexity of the issues raised, the numerous  
6 individuals identified for deposition, and the extent of written discovery, the Parties believe it is  
7 in the best interests of both sides to modify the Court's pretrial Scheduling Order, and to  
8 continue the trial itself.

9 The Parties have met and conferred and have identified the remaining depositions to be  
10 completed including Plaintiff's PMQ, Cory Gilbert, Defendant's PMQ, Rich Walton, Plaintiff's and  
11 Defendant's disclosed experts, and the brief conclusion of the deposition of Plaintiff's PMQ,  
12 Wesley Armstrong. The parties have completed written discovery.

13 As such, the Parties respectfully request that the Court modify the May 23, 2022  
14 Scheduling Order as follows:

- 15 1. The depositions of Plaintiff's PMQ, Cory Gilbert, Defendant's PMQ, Rich Walton,  
16 Plaintiff's and Defendant's disclosed experts, and the brief conclusion of Plaintiff's  
17 PMQ, Wesley Armstrong, shall be conducted as to be completed by August 31,  
18 2022. All other discovery is closed.
- 19 2. All motions, except for motions for continuances, temporary restraining orders,  
20 or other emergency orders, shall be filed on or before November 30, 2022.
- 21 3. The Final Pretrial Conference shall be December 31, 2022, or as soon thereafter  
22 as the Court's schedule shall allow.
- 23 4. The trial shall commence on February 28, 2023, at 9:00 a.m., or as soon  
24 thereafter as the Court's schedule shall allow.

25 The Parties request that all other dates included in the May 23, 2022 Scheduling Order  
26 shall remain in effect.



1 Dated: June 22, 2022

2 Respectfully submitted,

3 **ELGUINDY, MEYER & KOEGEL, APC**

4  
5 By: /s/ W. Patrick Cronican

6 David L. Price, Esq.

7 Benjamin D. Koegel, Esq.

8 W. Patrick Cronican, Esq.

9 Attorneys for Plaintiff INFINITY ENGERY, INC., a  
10 California Corporation

11 Dated: June 22, 2022

12 Respectfully submitted,

13 **KROGH & DECKER, LLP**

14 By: /s/ Cagil Arel

15 Shawn M. Krogh, Esq.

16 Cagil Arel, Esq.

17 Attorneys for Defendant INFINITE ENERGY HOME  
18 SERVICES, INC.

19  
20 **ORDER**

21 Having found good cause exists pursuant to FRCP 16(b)(4), the court GRANTS the Parties'  
22 motion to modify the May 23, 2022 pretrial Scheduling Order.

23 The May 23, 2022 pretrial Scheduling Order is modified as follows:

- 24 1. The depositions of Plaintiff's PMQ, Cory Gilbert, Defendant's PMQ, Rich Walton,  
25 Plaintiff's and Defendant's disclosed experts, and the brief conclusion of Plaintiff's  
26 PMQ, Wesley Armstrong, shall be conducted as to be completed by August 31,  
27 2022. All other discovery is closed.




2. All motions, except for motions for continuances, temporary restraining orders, or other emergency orders, shall be filed on or before November 30, 2022.
3. The Final Pretrial Conference shall be **February 13, 2023 at 1:30 p.m.**
4. The trial shall commence on **April 11, 2023, at 9:00 a.m.**

All other dates contained in the May 23, 2022 Scheduling Order shall remain in effect.

**IT IS SO ORDERED.**

Dated: June 23, 2022

  
**WILLIAM B. SHUBB**  
**UNITED STATES DISTRICT JUDGE**